

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA

Case 2:16-cr-20182
Judge: Edmunds, Nancy G.
MJ: Patti, Anthony P.
Filed: 03-17-2016 At 10:07 AM
INFO USA V OMRON AUTOMOTIVE ELECTRO
NICS (BG)

v.

VIOLATION: 15 U.S.C. § 1

OMRON AUTOMOTIVE ELECTRONICS
CO., LTD.,

Defendant.

INFORMATION

COUNT ONE
CONSPIRACY TO RESTRAIN TRADE
(15 U.S.C. § 1)

THE UNITED STATES, ACTING THROUGH ITS ATTORNEYS, CHARGES:

Defendant and Coconspirators

1. Omron Automotive Electronics Co., Ltd. ("defendant") is a corporation organized and existing under the laws of Japan with its principal place of business in Komaki, Japan. During the period covered by this Information, defendant sold power window switches to Honda Motor Co., Ltd. and its subsidiaries ("Honda") in the United States and elsewhere for installation in the 2006 and 2011 model-year Honda Civics.

2. Another corporation and individuals, not made defendants in this Information, participated as coconspirators in the offense charged in this Information and performed acts and made statements in furtherance of it.

3. Whenever in this Information reference is made to any act, deed, or transaction of any corporation, the allegation means that the corporation engaged in the act, deed, or transaction by or through its officers, directors, employees, agents, or other

representatives while they were actively engaged in the management, direction, control, or transaction of its business or affairs.

Background of the Offense

4. During the period covered by this Information, the defendant and its coconspirators manufactured power window switches in Japan and elsewhere for export to Honda in the United States and elsewhere.

5. Power window switches are automobile switches that raise or lower an automobile's electric windows. When purchasing power window switches, Honda issues Requests for Quotation ("RFQs") to automotive parts suppliers on a model-by-model basis. Automotive parts suppliers submit bids to Honda in response to RFQs, and Honda awards the business to the selected automotive parts supplier for the lifespan of the model, which is usually five years. Typically, the bidding process for a particular model begins approximately two years prior to the start of production.

Conspiracy to Restrain Trade

6. From in or about June 2003 to February 2013, in the Eastern District of Michigan and elsewhere, the defendant and its coconspirators knowingly entered into and engaged in a combination and conspiracy to suppress and eliminate competition by rigging bids for power window switches sold to Honda Motor Co., Ltd. and its subsidiaries in the United States and elsewhere for installation in the 2006 and 2011 model-year Honda Civics. The combination and conspiracy engaged in by the defendant and its coconspirators was in unreasonable restraint of interstate and foreign trade and commerce, in violation of the Sherman Antitrust Act, 15 U.S.C. § 1.

7. The charged combination and conspiracy consisted of a continuing agreement, understanding, and concert of action among the defendant and its coconspirators, the substantial terms of which were to rig bids for power window switches sold to Honda in the United States and elsewhere for the 2006 and 2011 model-year Honda Civics.

Manner and Means of the Conspiracy

8. For purposes of forming and carrying out the charged combination and conspiracy, the defendant and its coconspirators did those things that they combined and conspired to do, including, among other things:

- a. participating in meetings, conversations, and communications to discuss bids to be submitted to Honda in the United States and elsewhere;
- b. agreeing, during those meetings, conversations, and communications, on bids to be submitted to Honda in the United States and elsewhere;
- c. agreeing, during those meetings, conversations, and communications, to allocate the supply of power window switches sold to Honda in the United States and elsewhere on a model-by-model basis;
- d. submitting bids to Honda in the United States and elsewhere in accordance with the agreements reached;
- e. selling power window switches to Honda in the United States and elsewhere at collusive and noncompetitive prices;
- f. accepting payment for power window switches sold to Honda in the United States and elsewhere at collusive and noncompetitive prices; and
- g. engaging in meetings, conversations, and communications for the purpose of monitoring and enforcing adherence to the agreed-upon bid rigging.

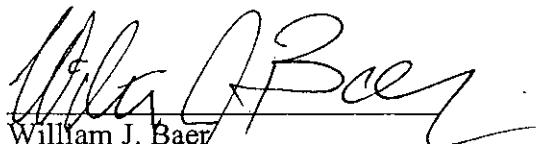
Trade and Commerce

9. During the period covered by this Information, the defendant and its coconspirators sold Honda substantial quantities of power window switches from outside the United States to various states in the United States in a continuous and uninterrupted flow of interstate and foreign trade and commerce. The business activities of the defendant and its coconspirators in connection with the production and sale of power

window switches that are the subject of the charged conspiracy were within the flow of, and substantially affected, interstate and foreign trade and commerce.

ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

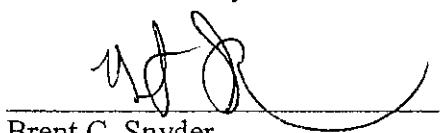
DATED 3-17-2016



William J. Baer
Assistant Attorney General



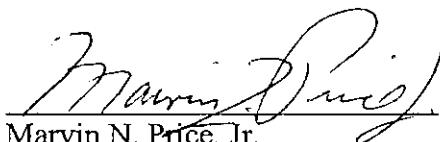
Marc Siegel
Chief, San Francisco Office



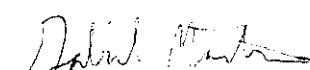
Brent C. Snyder
Deputy Assistant Attorney General



E. Kate Patchen
Assistant Chief, San Francisco
Office



Marvin N. Price, Jr.
Director of Criminal Enforcement
United States Department of Justice
Antitrust Division



Gabriel R. Martinez
Jacklin Chou Lem

Trial Attorneys
United States Department of Justice
Antitrust Division

ORIGINAL

United States District Court
Eastern District of Michigan**Criminal Case Cover**

NOTE: It is the responsibility of the Trial Attorney signing this form to compl

Case:2:16-cr-20182
Judge: Edmunds, Nancy G.
MJ: Patti, Anthony P.
Filed: 03-17-2016 At 10:07 AM
INFO USA V OMRON AUTOMOTIVE ELECTRO
NICS (BG)**Reassignment/Recusal Information** This matter was opened in the USAO prior to August 15, 2008 []

Companion Case Information		Companion Case Number: 2:12-cr-20063
This may be a companion case based upon LCrR 57.10 (b)(4) ¹ :		Judge Assigned: Honorable George Caram Steeh
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	AUSA's Initials: <i>gr</i>

Case Title: USA v. OMRON AUTOMOTIVE ELECTRONICS CO., LTD.

County where offense occurred : Oakland County

Check One: Felony Misdemeanor Petty

- Indictment/ Information --- no prior complaint.
 Indictment/ Information --- based upon prior complaint [Case number:]
 Indictment/ Information --- based upon LCrR 57.10 (d) [Complete Superseding section below].

Superseding Case Information

Superseding to Case No: _____ Judge: _____

- Original case was terminated; no additional charges or defendants.
 Corrects errors; no additional charges or defendants.
 Involves, for plea purposes, different charges or adds counts.
 Embraces same subject matter but adds the additional defendants or charges below:

<u>Defendant name</u>	<u>Charges</u>	<u>Prior Complaint (if applicable)</u>
-----------------------	----------------	--

Please take notice that the below listed Trial Attorney is the attorney of record for the above captioned case.

March 17, 2016

Date

Gabriel Martinez

Gabriel Martinez
 Trial Attorney
 U.S. Dept. of Justice, Antitrust Division
 San Francisco Office
 450 Golden Gate Ave. Rm. 10-0101, Box 36046
 San Francisco, CA 94102-3478
 Phone: (415) 934-5336
 Fax: (415) 934-5399
 E-Mail address: Gabriel.Martinez2@usdoj.gov

¹ Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated. (5/20/13)